

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-28 are pending, and Claims 1, 3, 4, 8, 11, 12, 15, 17, 18, 22, 24, and 25 are amended by the present amendment.

Support for the changes to Claims 1, 8, 15, and 22 is found at least in Applicant's Figure 52 and the corresponding written description in the specification.

The outstanding Official Action rejected Claims 1, 8, 15, and 22 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,564,253 to Stebbings in view of "SDMI – Secure Digital Music Initiative" SDMI Portable Device Specification Version 1.0, XX, XX No. Part 1, 8 July 1999 (hereinafter SDMI Specification); rejected Claims 2-5, 7, 9-13, 16-19, 21, 23-26, and 28 under 35 U.S.C. § 103(a) as unpatentable over Stebbings in view of SDMI Specification and U.S. Patent No. 6,925,448 to Stefik et al. (hereinafter Stefik); and rejected Claims 6, 14, 20, and 27 under 35 U.S.C. § 103(a) as unpatentable over Stebbings, SDMI Specification, Stefik, and further in view of U.S. Patent No. 6,319,125 to Acres.

Applicant acknowledges with appreciation the courtesy of a telephone interview conducted on July 5, 2007 between Applicant's representatives and the Examiner. During the telephone interview, Applicant's representatives discussed the Advisory Action issued on June 16, 2007. Applicant's representatives presented arguments that there is no reasonable expectation of success of combining Stebbings with the SDMI Specification. Applicant's representatives also presented arguments that the combination of Stebbings and the SDMI Specification teaches away from Applicant's claimed subject matter. The Examiner indicated that he would maintain the rejection of the claims under 35 U.S.C. § 103(a).

In light of the rejection on the merits of the claims, amended Claim 22 recites:

An information processor apparatus which checks out a content to an external device connected thereto or checks in the content from an external device connected thereto, the apparatus comprising:

a display device configured to display a title corresponding to the content and a number of possible checkouts for the content; and

*a content checkout setting device configured to set a plurality of contents prior to checking out the plurality of contents,*

wherein the number of possible checkouts represents a number that is incremented by one when the content is checked back into the apparatus.

Turning now to the applied reference, Stebbings is directed to an Internet authorization and flagging system for encoding original recordings with an authorization system, and preventing unauthorized activity of proprietary data.<sup>1</sup> Stebbings describes encoding content with an authorization flag indicating a user's level of authorization for desired content.<sup>2</sup> After the content is encoded with the authorization flag, recording manufacturers provide the encoded music to an Internet service that makes the content available on the provider's main website.<sup>3</sup>

Stebbings describes that a user may purchase a level of authorization from the ISP's website or from an authorized broker.<sup>4</sup> The different levels of authorization in Stebbings include listening to the content and/or making multiple copies of the content. For example, an authorized user may be allowed to make a copy once, two times, or three times to an external recording medium such as a CD or a DVD, or on to a hard drive of a computer.<sup>5</sup>

Claim 22 is distinguishable over Stebbings as the applied reference fails to disclose or suggest *a content checkout setting device configured to set a plurality of contents prior to*

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<sup>1</sup> See Stebbings at col. 3, lines 34-38.

<sup>2</sup> See Stebbings at col. 8, lines 8-26.

<sup>3</sup> See Stebbings at col. 9, lines 14-24.

<sup>4</sup> See Stebbings at col. 10, lines 27-29.

<sup>5</sup> Stebbings at col. 10, lines 31-45.

*checking out the contents.* As discussed above, Stebbings describes a user purchasing a level of authorization for a particular content, and encoding that content with a flag indicating the user's level of authorization. However, Stebbings merely describes that one piece of content is encoded with an authorization flag and downloaded to the user at a time. That is, Stebbings fails to disclose or suggest encoding a plurality of contents with an authorization flag prior to checking out the plurality of contents.

Applicant has considered the SDMI Specification and submits that the applied reference fails to cure the deficiency discussed above for Stebbings. Accordingly, Applicant submits that Stebbings and the SDMI Specification fail to disclose or suggest all the features of Claim 22. Applicant requests that the rejection of Claim 22, and claims depending therefrom, under 35 U.S.C. § 103(a) be withdrawn.

Independent Claim 1 recites "a content checkout setting means for setting a plurality of contents prior to checking out the plurality of contents." Independent Claims 8 and 15 recite "setting a plurality of contents to be checked out prior to checking out the plurality of contents." Applicant submits that Stebbings and the SDMI Specification fail to disclose or suggest all the features of Claims 1, 8, and 15 for reasons similar to those stated above. Applicant requests that the rejection of Claims 1, 8, and 15, and claims depending therefrom, under 35 U.S.C. § 103(a) be withdrawn.

The outstanding Official Action rejected Claims 2-5, 7, 9-13, 16-21, and 23-28 over Stebbings and the SDMI Specification, and further in view of Stefik and Acres. Applicant traverses the rejections.

As outlined above, a *prima facie* case of obviousness has not been set forth for independent claims 1, 8, 15, and 22, which the remaining claims depend therefrom. Applicant has considered Stefik and Acres and submits that these two references do not cure the deficiencies discussed above. Accordingly, Applicant submits that a *prima facie* case of

obviousness has not been set forth for Claims 2-5, 7, 9-13, 16-21, and 23-28 and request the rejections of the these claims under 35 U.S.C. § 103(a) be withdrawn.

Consequently, in view of the present response and in light of the foregoing comments, it is respectfully submitted that the present invention is in condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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